

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

D.V.D.; M.M.; E.F.D.; and O.C.G.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY;  
Kristi NOEM, Secretary, U.S. Department of  
Homeland Security, in her official capacity; Pamela  
BONDI, U.S. Attorney General, in her official  
capacity; and Antone MONIZ, Superintendent,  
Plymouth County Correctional Facility, in his official  
capacity,

Defendants.

Case No. 25-cv-10676

**[PROPOSED] ORDER  
GRANTING PLAINTIFFS'  
EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION AND STAY OF  
ADMINISTRATIVE ACTION**

THIS MATTER comes before the Court on Plaintiff D.V.D., M.M., E.F.D., and O.C.G.'s Motion for a Temporary Restraining Order and Preliminary Injunctive Relief. Having considered the motion, the memorandum and exhibits in support thereof, and any subsequent submissions related to the motion, the Complaint, the concurrently filed motion for class certification, and the applicable law, the Court ORDERS as follows:

1. Plaintiffs' Motion for a Temporary Restraining Order is GRANTED.
2. Defendants, and all of their officers, agents, servants, employees, attorneys, successors, assigns, and persons acting in concert or participation with them are hereby ENJOINED and RESTRAINED from:
  - a. Removing Plaintiffs D.V.D., M.M., and E.F.D. from the United States to a third country, i.e., a country other than the country designated for removal in the prior immigration proceedings, UNLESS and UNTIL Defendants provide Plaintiffs

D.V.D., M.M. and E.F.D., and their respective counsel, with written notice of the third country to where they may be removed, and UNTIL Defendants provide a meaningful opportunity for Plaintiffs D.V.D., M.M. and E.F.D. to submit an application for protection, including withholding of removal under 8 U.S.C. § 1231(b)(3) and protection under the Convention Against Torture (CAT) to the immigration court, and if any such application is filed, UNTIL Plaintiffs D.V.D., M.M., and E.F.D. receive a final agency decision on any such application;

- b. Detaining Plaintiffs D.V.D. and M.M. pursuant to the February 18, 2025, DHS Directive (*see* Dkt. 1-4) instructing Department of Homeland Security (DHS) officers review for re-detention and removal to a third country noncitizens with a final order who previously could not be removed to the designated country either because they were granted withholding of removal and/or CAT protection, or because there was no significant likelihood of removal to the designated country in the reasonably foreseeable future;
  - c. Preventing the return of Plaintiff O.C.G., and further, are ORDERED to facilitate the immediate return of O.C.G. to the United States. Defendants shall report back to the Court within 3 days of this Order with a status update as to Plaintiff O.C.G.
3. The Court further ORDERS that the proposed class be provisionally certified, having found that Plaintiffs have satisfied the requirements under Rule 23(a) and 23(b) in their motion for Class Certification, and ORDERS Defendants, and all of their officers, agents, servants, employees, attorneys, successors, assigns, and persons acting in concert or participation with them are hereby ENJOINED and RESTRAINED from:
  - a. Removing members of the provisionally certified Class from the United States to

a third country, i.e., a country other than the country designated for removal in immigration proceedings, UNLESS and UNTIL Defendants provide provisionally certified class members, and their respective immigration counsel, if any, with written notice of the third country to where they may be removed, and UNTIL Defendants provide a meaningful opportunity for provisionally certified Class Members to submit an application for CAT protection to the immigration court, and if any such application is filed, UNTIL provisionally certified Class Members receive a final agency decision on any such application.

4. The Court further ORDERS a TEMPORARY STAY pursuant to 5 U.S.C. § 705, of the February 18, 2025, DHS Directive instructing DHS officers to, inter alia, review for re-detention and removal to a third country noncitizens with a final order who previously could not be removed to the designated country either because they were granted withholding of removal and/or CAT protection, or because there is no significant likelihood of removal to the designated country in the reasonably foreseeable future.
5. No security bond is required under Federal Rule of Civil Procedure 65(c).
6. The parties shall, within 2 days of this Order, propose a briefing schedule with respect to Plaintiffs' motion for preliminary injunctive relief. The hearing date shall be no later than fourteen days from today. At that time, the Court will schedule a hearing on Plaintiffs' motion for a preliminary injunction and a stay under 5 U.S.C. § 705.
7. This Temporary Restraining Order and the Stay issued under 5 U.S.C. § 705 shall remain in effect until the Court rules on Plaintiffs' motion for a preliminary injunction and further stay.

It is so ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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UNITED STATES DISTRICT JUDGE